

**POTTS & ASSOCIATES**

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Walter Grochowski, Esq.

State Bar No. 010895

Attorney for Defendant LTL Transport Inc.

**UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF ARIZONA**

STEVE RUE, a married man,

Plaintiff,

v.

DAVEDILLON SEVILLA DANCEL and  
JANE DOE DANCEL, husband and  
wife, D & D TRANSPORT, a foreign  
entity; CHARLOTTE M. SHROPSHIRE  
and JOHN DOE SHROPSHIRE,  
husband and wife; LTL TRANSPORT  
INC., a foreign corporation; JOHN  
DOES 1-10; JANE DOES 1-10; ABC  
CORPORATIONS 1-10; XYZ  
PARTNERSHIPS 1-10; AND LIMITED  
LIABILITY COMPANIES A-Z,

Defendants.

Case No.

(Pima County Superior Court Case  
No. C20112739)

**NOTICE OF REMOVAL TO UNITED  
STATES DISTRICT COURT**

Defendant LTL Transport Inc., by and through undersigned  
counsel, hereby gives notice that it is removing this action from Pima

1 County Superior Court to the United States District Court for the District  
2 of Arizona, pursuant to 28 U.S.C. §§ 1332, 1441 and 1446.

3  
4 **I. This Court has Diversity Jurisdiction Pursuant to 28 U.S.C.**  
5 **§1332**

6 **A. There is Diversity Between the Parties Pursuant to 28**  
7 **U.S.C. §1332**

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9 Defendant LTL Transport Inc. is entitled to remove this action to  
10 the United States District Court because there is complete diversity  
11 between the parties. Plaintiff Steve Rue alleges in his Complaint that he  
12 is a resident of Pima County, Arizona. (See Attached Exhibit A, copy of  
13 Complaint, Pima County Superior Court Case No. 20112739). Plaintiff  
14 Steve Rue alleges in his Complaint that Defendants Davedillon Sevilla  
15 Dancel and Jane Doe Dancel are residents of Los Angeles County,  
16 California, and that Defendant D & D Transport is a foreign entity. (See  
17 Attached Exhibit A). Plaintiff Steve Rue alleges in his Complaint that  
18 Defendants Charlotte M. Shropshire and John Doe Shropshire are  
19 residents of Denton County, Texas, and that Defendant LTL Transport  
20 Inc. is a foreign corporation. (See Attached Exhibit A). Defendant LTL  
21 Transport, Inc. is a Texas corporation, with its principal place of  
22 business in Texas.  
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1           **B.     The Amount of Controversy Exceeds \$75,000.00**

2           In the Complaint, Plaintiff does not specifically list an amount in  
3 controversy, but Defendant LTL Transport, Inc., on information and  
4 belief, believes that the value of this claim may be equal to or exceed  
5 \$75,000. Plaintiff also certified in his previous filings that his damages  
6 exceed the Pima County Superior Court's minimum jurisdiction of  
7 \$50,000.00. Based on this certification, the amount in controversy  
8 exceeds this Court's diversity jurisdictional limit of \$75,000.00.  
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13           **II.     Defendant LTL Transport, Inc. Has Met All Procedural**  
14           **Requirements to Remove this Action**

15           **A.**     Plaintiff filed his Complaint on April 13, 2011. (See Attached  
16 Exhibit A). Defendant LTL Transport, Inc. was served on April 21, 2011.  
17 (See Attached Exhibit B, Affidavit of Service as to Defendant LTL  
18 Transport, Inc.). This Notice of Removal has been timely filed within  
19 thirty (30) days of the service date, pursuant to 28 U.S.C. § 1446(b).  
20

21           **B.**     Defendant LTL Transport, Inc. have attached copies of the  
22 Complaint, and Affidavit of Service as to Defendant LTL Transport, Inc.,  
23 as Exhibits A and B, which are all the court documents in its  
24 possession.  
25

26           **C.**     Defendant LTL Transport, Inc. has concurrently filed a copy  
27 of this Notice with the Pima County, Arizona, Superior Court.

1       **D.** Defendant LTL Transport has served upon Plaintiff and  
2 Defendants Dancel and D & D Transport a copy of this Notice.  
3

4  
5       RESPECTFULLY SUBMITTED this 19<sup>th</sup> day of May, 2011.

6  
7                               POTTS & ASSOCIATES

8                               By /s/Walter Grochowski  
9                               Walter Grochowski, Esq.  
10                              Attorney for Defendant LTL Transport  
11                              Inc.

12       COPY of the foregoing document sent via Fedex Priority Overnight  
13       to be filed this 19<sup>th</sup> day of May, 2011 with:

14       Clerk of the Court  
15       Pima County Superior Court-Civil  
16       110 West Congress RM 131 A  
17       Tucson, AZ 85701-1317

18       By: /s/Linda Ferguson

19                               **CERTIFICATE OF SERVICE**

20  
21       I HEREBY CERTIFY that on May 19, 2011, I instructed my  
22       secretary to electronically transmit the attached documents to the Clerk's  
23       office using the ECF System for filing.

24  
25       I FURTHER CERTIFY that on May 19, 2011, I served the attached  
26       document by mailing of copy to the following, who may or may not be a  
27       registered participant of the ECF System:

1  
2 Frances T. Lynch, Esq.  
3 BACHE & LYNCH  
4 6831 N. Oracle Rd., Suite 145  
5 Tucson, AZ 85704  
6 Attorney for Plaintiff

7 Phillip H. Stanfield, Esq.  
8 JONES, SKELTON & HOCHULI, PLC  
9 2901 North Central Ave., Suite 800  
10 Phoenix, AZ 85012-2703  
11 Attorney for Defendants Dancel and D & D Transport

12 /s/Walter Grochowski  
13 Walter Grochowski, Esq.  
14 POTTS & ASSOCIATES  
15 2401 W. Peoria Avenue, Suite 100  
16 Phoenix, AZ 85029  
17 Attorney for Defendant LTL Transport  
18 Inc.  
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